

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 4, 16, 22-25 and 27 are amended and claims 28-31 are newly added. Support for the independent claims can be found on at least page 7 of Applicants' Specification. Support for newly added claims 28-31 can be found on pages 28, 10, 11 and 7 respectively. Claims 1, 2 and 4-31 remain actively pending in the case. No new matter has been added. Reconsideration of the claim is respectfully requested.

In paragraph 4 on page 2 of the Office Action, claims 9-11, 17-18 and 21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants' respectfully traverse the rejection but in the interest of furthering prosecution has amended claim 9. Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the rejection.

In paragraph 8 on page 3 of the Office Action, claims 1-2, 4, 6-7, 9, 16, 22-25 and 27 were rejected under 35 U.S.C. 102(e) as being anticipated by Long et al. (US 2002/0095439). In paragraph 10 on page 6 of the Office Action, dependent claims 5, 8, 10-12 and 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Long and further in view of Rzepkowski et al. (US 6,741,270). In paragraph 11 on page 8 of the Office Action, dependent claims 17-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Long and further in view of Arledge, Jr. et al. (US 6,535,294). In paragraph 12 on page 11 of the Office Action, dependent claims 13 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Long and further in view of Bolnick et al. (US 6,043,817). Applicants respectfully traverse the rejections.

Long fails to teach or suggest at least selecting a page layout having a minimal amount of white space from said plurality of page layouts as recited in Applicants' independent claims. Rather, Lone discloses vertical and horizontal space distribution rules that attempt to uniformly distribute white space surrounding an image. *See* [0076]. Long uniformly distributes white space to optimize a cost function base on geometrically centering images. *See* [0078].

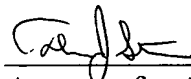
Rzepkowski fails to remedy the deficiencies of Long as Rzepkowski also fails to teach or suggest at least selecting a page layout having a minimal amount of white space from said plurality of page layouts. Rzepkowski does not even disclose minimizing white spaces.

Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the third and fourth applied prior art references to Arledge and Bolnick is moot, inasmuch as the combination of Long, Rzepkowski, Arledge and Bolnick still lack any teaching, disclosure, or suggestion concerning selecting a page layout having a minimal amount of white space. Therefore, in view of the above remarks, Applicants' independent claims are patentable over the cited references.

Because claims 2, 4-15, 28-31 depend from claim 1, claims 17-21 depend from claim 16 and claim 26 depends from claim 25, and include the features recited in the independent claims, Applicants respectfully submit that claims 2, 4-15, 17-21, 25 and 28-31 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 53,950

Thomas J. Strouse/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.